FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.2074 OF 2003

Office notes, office Memoranda Judge's orders of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or

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Mr. S.V. Marwadi i/by Mr. Shailesh Kantharia for the applicant.

Mr.K.B. Sonwalkar for the Respondent No.1.

APP Mr. S.R.Shinde for the State.

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CORAM: R.S. MOHITE, J.

DATED: 18/2/2005.

PC:

. The orders impugned in this application are on an applications for recall of process. Such orders are now without jurisdiction in view of the Judgment of the Apex Court in Adalat Prasad Vs. Rooplal Jindal and ors. reported in 2004(7) Page 137. Therefore, there is no substance in the application. The Advocate for the applicant sought

leave to amend the application to challenge the order issuing process under Section 482 of the Code. I am not inclined to grant leave to amend this application. Though, I am not granting permission to the applicant to file a petition under Section 482 of the Code, yet, it is observed that a party cannot be prevented from filing such a petition if he so desire. Needless to say that if such petition is filed, history and merits of the case will be considered by the court dealing with the same. The present criminal application is therefore, dismissed.

(R.S. MOHITE, J.)